



Matrimonial Causes Act 1973

1973 CHAPTER 18

PART I

DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

Other matrimonial suits

17 Judicial separation.

[^{F1}(1) Either or both parties to a marriage may apply to the court for an order (a “judicial separation order”) which provides for the separation of the parties to the marriage.

(1A) An application under subsection (1) must be accompanied by—

- (a) if the application is by one party to the marriage only, a statement by that person that they seek to be judicially separated from the other party to the marriage, or
- (b) if the application is by both parties to the marriage, a statement by them that they seek to be judicially separated from one another.

(1B) The court dealing with an application under subsection (1) must make a judicial separation order.]

^{F2}(2)

(3) Sections 6 and 7 above shall apply for the purpose of encouraging the reconciliation of parties to proceedings for [^{F3}a judicial separation order] and of enabling the parties to a marriage to refer to the court for its opinion an agreement or arrangement relevant to actual or contemplated proceedings for [^{F3}a judicial separation order], as they apply in relation to proceedings for [^{F4}a divorce order].

Textual Amendments

F1 S. 17(1)-(1B) substituted for s. 17(1) (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), ss. 2(2), 8(1)(8) (with s. 8(5)); S.I. 2022/283, reg. 2

Changes to legislation: There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Cross Heading: Other matrimonial suits. (See end of Document for details)

- F2** S. 17(2) omitted (6.4.2022) by virtue of Divorce, Dissolution and Separation Act 2020 (c. 11), **ss. 2(3), 8(1)(8)** (with s. 8(5)); S.I. 2022/283, reg. 2
- F3** Words in s. 17(3) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), **ss. 2(4)(a), 8(1)(8)** (with s. 8(5)); S.I. 2022/283, reg. 2
- F4** Words in s. 17(3) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), **ss. 2(4)(b), 8(1)(8)** (with s. 8(5)); S.I. 2022/283, reg. 2

18 Effects of judicial separation.

^{F5}(1)

- (2) If while a decree of judicial separation [^{F6}or judicial separation order] is in force and the separation is continuing either of the parties to the marriage dies intestate as respects all or any of his or her real or personal property, the property as respects which he or she died intestate shall devolve as if the other party to the marriage had then been dead.
- (3) Notwithstanding anything in section 2(1)(a) of the ^{M1}Matrimonial Proceedings (Magistrates' Courts) Act 1960, a provision in force under an order made, or having effect as if made, under that section exempting one party to a marriage from the obligation to cohabit with the other shall not have effect as a decree of judicial separation for the purposes of subsection (2) above.

Textual Amendments

- F5** S. 18(1) omitted (6.4.2022) by virtue of Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 16(a)** (with s. 8(5)); S.I. 2022/283, reg. 2
- F6** Words in s. 18(2) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 16(b)** (with s. 8(5)); S.I. 2022/283, reg. 2

Marginal Citations

- M1** 1960 c. 48.

^{F7}19 Presumption of death and dissolution of marriage.

.....

Textual Amendments

- F7** S. 19 omitted (1.10.2014) by virtue of Presumption of Death Act 2013 (c. 13), s. 22(2), **Sch. 2 para. 1** (with s. 21); S.I. 2014/1810, art. 2 (with art. 3(1)(2))

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Cross
Heading: Other matrimonial suits.